

REMARKS

There remains pending in this application claims 1, 3-5, 7 and 8, of which claims 1 and 5 are independent. No claims have been cancelled or added.

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application is respectfully sought.

Applicant's invention as now set forth in independent claim 1 is directed to an image forming apparatus having a plurality of paper feed units capable of setting index sheets, comprising, a storage section which stores paper size information, type information, and index number information indicating the number of index sheets per set of paper sheets set in each paper unit in a case where index sheets are set in the plurality of paper feed units, a determining section which determines that index number information of a first paper feed unit coincide with whether that of a second paper feed unit or that of a third paper feed unit, and first and second control sections. The first control section performs processing of automatically changing the paper feed unit to be used from a first paper feed unit to a second paper feed unit and does not perform processing of automatically changing the paper feed unit from the first paper feed unit to a third paper feed unit in a case where paper sheets set in the first paper feed unit are run out, the type information of the first paper feed unit indicates an index sheet, and all elements of a first predetermined condition are satisfied. The second control section performs processing of automatically changing the paper feed unit to be used from the first paper feed unit to the second paper feed unit and does not perform processing of automatically changing the paper feed unit from the first paper feed unit to the third paper feed unit in a case where paper sheets set in the

first paper feed unit are run out, the type information of the first paper feed unit does not indicate the index sheet, and all of the elements of a second predetermined condition are satisfied

The first predetermined condition is that the size information, type information, and index number information of the first paper feed unit must coincide with that of the second paper feed unit and at least one of the size information, type information, and index number information of the first paper feed unit do not coincide with those of the third paper feed unit. The second predetermined condition is that the size information and type information of the first paper feed unit coincide with those of the second paper feed unit, and at least one of the size information and type information of the first paper feed unit do not coincide with those of the third paper feed unit

The image forming apparatus defined in the amended claim 1 has thus been amended to further comprises a second control section and second predetermined. In addition, there is now recited a first control section which requires determination by said determining section to perform processing of automatically changing the paper feed unit, and said second control section does not require determination by said determining section to perform processing of automatically changing the paper feed unit. As a result of this combination of features, when the type information of the first paper feed unit indicates an index sheet, the first control section performing processing of automatically changing requires a determination by the determining section, whereas when the type information of the first paper feed unit does not indicate the index sheet, the second processing section performing processing of automatically changing does not require a determination by the determining section. As a result, the second processing control

section can perform its processing in shorter time than the first control section by determination time preformed with the determining section.

Independent claim 5 is a method claim corresponding to claim 1.

Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Die, et al. (U.S. Patent No. 4,763,889) in view of Tomidokoro, et al. (U.S. Patent No. 5,722,029). In view of the above amendments and the following remarks, the rejections are respectfully traversed.

Die, et al. relates to a paper feeder for a copying machine having multiple paper cassettes and detectors for detecting whether the paper sheets are present or absent in each cassette. A CPU automatically changes from a cassette with no paper sheet to a cassette storing paper sheets of the same paper size and paper feeding direction. Tomidokoro, et al. discloses an image forming apparatus capable of sending a number of tabbed sheets per set. As shown in Figure 17, tab sheet means an index sheet in the claimed invention.

In the prior Amendment, Applicant set forth arguments pursuant to which they submit that Die, et al. and Tomidokoro, et al., whether taken individually or in combination, do not teach or suggest Applicant's invention. Those comments are incorporated herein by reference. In addition, Applicant respectfully submits that neither of the applied references teach or suggest an image processing apparatus, as amended, which comprises both a first control section (or step) that performs processing of automatically changing when the type information of the first paper unit indicates an index sheet and the second control section (or step) that performs processing of automatically changing when the type information of the paper feed unit does not indicate the index sheet. In contrast to the prior art, Applicant's invention provides that a determination by

the determination section (or step) is not required when the second control section performs processing of automatically changing. As a result, processing by the second control section (or step) can be performed in a shorter time in comparison with processing by the first control section (or step) by a period required for determining with the determining section.

Moreover, while Die, et al. teaches the general desirability of using operator-set parameters regarding the paper types to govern the automatic change of paper units, Die, et al. does not disclose or suggest the desirability of using any operator-set parameters or techniques regarding using three kinds of information (namely, paper size information, type information, and index number information) in order to prevent an image forming apparatus from using a different kind of index sheet for a document when index sheet set out in the first paper feed tray run out. Consequently, whether Die, et al. and Tomidokoro, et al. are viewed individually or in combination, they do not teach or suggest the invention as set forth in each of independent claims 1 and 5.

For the foregoing reasons, Applicant respectfully submits that each of independent claims 1 and 5 are patentable over the applied art of record.

The remaining claims in the above application are dependent claims which depend either directly or indirectly from either claim 1 or claim 5 and are therefore patentable over the art of record for reasons noted above with respect to claims 1 and 5. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicant respectfully submits that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application is respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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